

**REMARKS**

Applicant respectfully traverses the obviousness rejection of the pending claims over the Edwards reference (2001/0016301) in view of the Mhetar reference (USP 6,355,766) and the Pan reference (USP 4,960,680).

In that regard, Applicants note they have solved a problem associated with the manufacture of a very particular type of optical disk: namely a first surface optical disk having a phase change layer overlying a stamped substrate, there being no defocusing layer overlaying the dielectric layer. Although the Mhetar reference does use the term "first surface disk," it does not disclose the combination recited in claim 1. For example, in Col. 4, lines 49 through 63, Mhetar describes its first surface disk as having a "protective layer, dielectric layer, data storage layer, dielectric layer, and then the reflective layer disposed in contact with the substrate." Such a disk is not the first surface disk recited in claim 1.

The Edwards reference discloses its "replica disk" only in the context of a magneto-optic disk (see paragraph 58). No other type of recording layer is disclosed or suggested. Thus, there is nothing in the context of Mhetar or Edwards to suggest the particular type of first surface disk being claimed let alone the problem solved: specifically, as noted on, for example, page 7, line 24 through page 8, line 15, the formation of a the particular type of first surface disk being claimed using the recited mother stamper process lead to the advantageous result of having "higher readback amplitudes (e.g., CNRs) when writing on the lands."

Accordingly, it is pure hindsight to declare the inventive acts of claim 1 as being obvious over the combination of Edwards and Mhetar – in that regard, Applicants readily admit that the use of a mother stamper to stamp substrates was in the prior art. Moreover, Applicants readily admit that the Pan reference (USP 4,960,680) discloses write once optical recording layers. However, what was not in the prior art was the discovery that first surface optical disks having a phase change layer overlaid by a dielectric layer with "the absence of a defocusing layer over the dielectric layer" could have their CNRs enhanced when manufactured through a mother stamper process. Accordingly, claim 1 is patentable over the cited prior art. Because claims 2-11 and 13-18 depend either directly or indirectly upon claim 1, they are patentable for at least the same reasons.

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Claim 19 is an apparatus claim that is patentable over the cited prior art analogously as discussed with respect to claim 1. Because claims 20 through 26 depend either directly or indirectly upon claim 19, they are patentable for at least the same reasons.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

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